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**MAILED**

FEB 23 2009

OFFICE OF PETITIONS

In re Application of :  
Larry Schlatre et al. :  
Application No. 10/713,300 :  
Filed: November 14, 2003 :  
Attorney Docket No. 16980/100547-00 :

ON PETITION

This is a decision regarding your request for acceptance of a fee deficiency submission and loss of small entity status filed October 29, 2008 under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28( c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.33d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 in the amount of \$1825.00 is hereby accepted and the petition is **GRANTED**. Status as a small entity has also been removed.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

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Office of Petitions